



**Resolution No. 14-159-VJB**

**RESOLUTION OF THE GOVERNING BODY OF  
THE THREE AFFILIATED TRIBES OF THE  
FORT BERTHOLD RESERVATION**

**A Resolution Entitled, "Creation of a Public Safety, Judicial and Criminal Justice Commission"**

**WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

**WHEREAS,** The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

**WHEREAS,** Article VI, Section 3 of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council all necessary sovereign authority – legislative and judicial – for the purposes of exercising the jurisdiction granted by the People in Article I; and

**WHEREAS,** Article VI, Section 5(c) of the Constitution of the Three Affiliated Tribes expressly authorizes and permits the Tribal Business Council to approve expenditures from Tribal funds for public purposes; and

**WHEREAS,** Article VI, Section 5(l) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to adopt resolutions regulating the procedure of Tribal agencies of the MHA Nation; and

**WHEREAS,** Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to establish Tribal agencies for the public safety of residents of the Fort Berthold Reservation; to establish a detention facility for adult criminals and juvenile delinquents; and, to establish a Tribal Judiciary to settle disputes through the establishment of a Supreme Court, District Court, Juvenile Court, Court of Appeals, and such other inferior courts; and

**WHEREAS,** The Three Affiliated Tribes and its members are currently experiencing unprecedented violent criminal activity as a result of the exploration of the Bakken oil and gas reserves that has brought hundreds of non-tribal individuals to our homeland who pose a threat to our public safety, judicial operations and criminal justice systems; and



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**WHEREAS,** It is vitally important for the peace and dignity of our Tribal Nation and to the public safety of its members, to provide law enforcement and justice systems that operate independently, efficiently and professionally.

**WHEREAS,** The Tribal Business Council of the Three Affiliated Tribes recognizes that in order to accomplish these goals and to achieve the peace, dignity and safety for the membership, it is vitally important that there shall be no alternative judicial forums, formal or non-formal, to litigate, re-litigate or overturn decisions that were properly before the court(s) of the Fort Berthold District Court system; and

**NOW, THEREFORE, BE IT RESOLVED,** The Tribal Business Council, pursuant to its express Constitutional power and authority, mandates that the Tribal Business Council, Individual Council Representatives, Council Committees, and any entity under the direction of said Tribal Council, shall not constitute and/or act as alternative forums with regard to judicial matters properly venued in the Fort Berthold District Court system.

**BE IT FURTHER RESOLVED,** The Tribal Business Council of the Three Affiliated Tribes pursuant to its express Constitutional authority creates a *Public Safety, Judicial and Criminal Justice Commission* (hereinafter referred to as the "Justice Commission"), to provide the following functions, but not limited to, administrative, fiscal management, and human resources, with regard to the Courts, Law Enforcement, and Department of Corrections and Detention.

**BE IT FURTHER RESOLVED,** The Justice Commission shall be comprised of one individual from the following: 1) MHA Nation Judicial Committee Chairman; 2) MHA Nation Tribal Attorney; 3) Attorney from a Legal Services or Public Defender Program; 4) MHA Nation Associate Judge; 5) Tribal Elder or Cultural Instructor; 6) Tribal, State or Federal Judge; and, 7) Chief Justice, MHA Nation Supreme.

**BE IT FURTHER RESOLVED,** The initial membership of the Justice Commission shall consist of the following: 1) Randy Phelan, Chairman of the Judicial Committee; 2) Alyce Spotted Bear, Vice President of Native American Studies/Tribal Relations, Fort Berthold Community College; 3) Damon Williams, Tribal Attorney, 4) James Fitzsimmons, Director, Legal Services of ND; 5) James Vukelic, Associate Judge, MHA Nation; 6) Judge Donovan Foughty, ND District Court Judge; and, 7) Michelle Rivard-Parks, Chief Justice, MHA Nation Supreme Court.

**BE IT FURTHER RESOLVED,** The Commission is to adhere to the principles of excellence in good government and accountability; to promote fiscal responsibility; operate with consistency, high ethical standards and clarity; and, to ensure fairness in the administration of justice.



**CERTIFICATION**

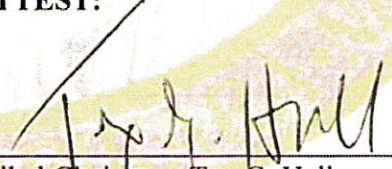
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven ( 7 ) members of whom five ( 5 ) constitute a quorum, 6 were present at a Regular meeting thereof duly called, noticed, convened and held on the 11<sup>th</sup> day of September, 2014, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  Voting.  Not Voting.

Dated this 11<sup>th</sup> day of September, 2014.

**ATTEST:**

  
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Executive Secretary, V. Judy Brugh  
Tribal Business Council  
Mandan Hidatsa Arikara Nation

  
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Tribal Chairman, Tex G. Hall,  
Tribal Business Council  
Mandan Hidatsa Arikara Nation